

MONO COUNTY PLANNING COMMISSION

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

MINUTES

August 10, 2006

(Adopted September 14, 2006)

Commissioners present: Ron Black, Rick Kattelmann, Sally Miller, Steve Shipley. **Absent:** Scott Bush

Staff present: Scott Burns, director; Keith Hartstrom, principal planner; Greg Newbry, senior planner; Gwen Plummer, associate planner; Evan Nikirk & Walt Lehmann, public works; Nick Criss, compliance specialist; Mark Magit, assistant county counsel; C.D. Ritter, commission secretary.

1. CALL TO ORDER: Chair Rick Kattelmann called the meeting to order at 10:04 a.m.

2. PUBLIC COMMENT: No items.

3. MEETING MINUTES: Review minutes of July 13, 2006. Amend item 4, paragraph 1, line 2: ***Prior to*** After his death, his father's two sisters...

MOTION: Adopt minutes of July 13, 2006, as amended. (Miller/Black. Ayes: 4. Absent: Bush.)

4. CONSENT AGENDA:

FINAL APPROVAL, PARCEL MAP 31-92/Elliott. The parcel map will divide APN 02-450-02, totaling 48.63 acres (gross), into three residential lots of approximately 10 acres each and a remainder of 17.88 acres. The property is located on Larson Lane in the community of Walker. The General Plan designation is Agricultural with a minimum 10-acre lot size (AG 10). The tentative parcel map was conditionally approved by the Planning Commission at a public hearing Jan. 12, 2006. *Staff: Evan Nikirk*

MOTION: Authorize the chair's signature on Parcel Map 31-92, indicating approval. (Miller/Black. Ayes: 4. Absent: Bush.)

5. PUBLIC HEARINGS:

A. USE PERMIT APPLICATION 32-06-02/Nextel. The project is for placement of wireless telecommunication facilities (60' monopine and a 12' x 20' prefabricated equipment shelter). The monopine would hold as many as two cell phone carriers, and the pine tree design should blend in with the surroundings. The project is located 10,000' off the north side of U.S. 395 on APN 07-050-11, an 18.9-acre parcel located in Devil's Gate about nine miles north of the community of Bridgeport. The General Plan designation is Estate Residential with a 20-acre minimum (ER 20). A Negative Declaration has been prepared for the project. *Staff: Keith Hartstrom*

Keith Hartstrom distributed photos and described the project site and facility. Commissioner Miller asked why 60' instead of 35'? Greater coverage. If it's undeveloped USFS land, why is greater coverage needed? For the motoring public, especially through the canyon. Another site might be needed for blind spots. Commissioner Black suggested a higher-elevation tower site for better coverage, less visibility from U.S. 395. Power availability is a constraint.

OPEN PUBLIC HEARING. Tim Miller, Sprint/Nextel agent, indicated that he was constricted by where to locate the site and still serve the area. Up the hill? Cost expands. Moving east? Just clearing the end of an east-west ridgeline on U.S. 395 now. A 60' monopine would extend the network and

DISTRICT #1
COMMISSIONER
Rick Kattelmann

DISTRICT #2
COMMISSIONER
Steve Shipley

DISTRICT #3
COMMISSIONER
Ron Black

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Sally Miller

provide another network site. Staff recommended berms and bushes to hide a shelter designed like outbuildings of area homes.

A discussion of height alternatives ensued. Miller indicated that the height for maximum emergency coverage would be 120', with greater range and allowing other networks in. Taller poles would improve service/site and mean fewer sites. Tree poles could hold four to five networks. The intent is for multiple users to serve north and south. A taller site would reach into narrow gorges west and south. Miller will be returning with other sites, so wants to work with staff. If approved today, there would be 10-day appeal period and then application for a building permit. He contacted CDF, but has not heard back.

Scott Burns noted that County Code is unclear, and height is a huge issue: usually 35', maximum 60'. Magit noted that an exception to height limitations includes towers. Commissioner Black asked whether Nextel is connected to 911 funding. All networks are required to continue upgrading to be in compliance with FCC rules, and every cent comes from their own pockets, not the 911 system. Supervisor Hazard indicated the 911 system is tied into CHP dispatch and a wireless call to 911 could be pinpointed.

Terry Hawkins, property owner of the proposed site, represented himself and his wife only. He said no wintertime emergency coverage exists, so victims walk to their house.

Supervisor Hazard noted the lack of 911 service and that enhanced 911 (E911) is still evolving. Coverage includes recreational uses. No comments have been received from constituency. **CLOSE PUBLIC HEARING.**

DISCUSSION: The area is dry, mostly sagebrush. Commissioner Miller recommended an irrigation plan even though it is not usually required as part of landscaping. The applicant should plant and maintain vegetation, and commissioners should specify a review period. Hartstrom indicated that property owners requested an irrigation system. Miller's lease specified planting trees for the landlord to water (he is watering 100 trees now) and replacing up to 50% of dead trees.

Commissioner Black saw height as no concern, as antennas already exist. Emergency and safety features are needed. Commissioner Shipley saw no problem. The tower is back-dropped with a mountain, and telephone poles are at least 40' tall. He has talked to CHP officers who would like to fix this "death zone."

MOTION: Approve Use Permit 32-06-02: adopt Negative Declaration, subject to mitigation measures identified in Initial Study, make required findings in staff report, subject to Conditions of Approval. Amend #11: Review in 12 months with status report from director. (Miller/Black. Ayes: 4. Absent: Bush.)

B. PARCEL MAP 37-181/Mountain Vistas. The project site is located in the southeast corner of Mono County (APN 26-210-37) in the community of Chalfant Valley. The project site is approximately 13 miles north of Bishop, Inyo County. The project site is adjacent to the northwest corner of the intersection of U.S. Hwy. 6 and Chalfant Road. The proposed project would provide one commercial lot 1.52 acres in size (Parcel 2) to be developed by the property owner. An EIR has been certified for the project. *Staff: Keith Hartstrom & Gwen Plummer*

Keith Hartstrom said the developer indicated that processing is for financial purposes and to split off a commercial parcel from residential. If project fell apart, this map would not be recorded either.

OPEN PUBLIC HEARING. Andy Holmes, Triad/Holmes Associates, represented the developer. He doesn't know fire protection requirements yet, but plans 1,000 gal/min on the commercial parcel and wants a conditional will-serve letter from the FPD/CSD (Condition 22). **CLOSE PUBLIC HEARING.**

DISCUSSION: None.

MOTION: Approve the first one-year extension of Tentative Parcel Map 37-181 based on an EIR certified by the Board of Supervisors, adopting the findings in the staff report, and applying Conditions of Approval. (Shipley/Black. Ayes: 4. Absent: Bush.)

C. EXTENSION OF PARCEL MAP 31-88/Oremus. The proposed project would divide APN 02-430-18, totaling 17.66 acres, into lots of 5.34 and 12.06 acres plus a road. The property is located along the east side of Eastside Lane, about a mile north of U.S. 395. The General Plan designation is Rural Residential with a minimum 5-acre lot size (RR 5). *Staff: Keith Hartstrom*

Keith Hartstrom introduced the extension.

OPEN PUBLIC HEARING. No comments. **CLOSE PUBLIC HEARING. DISCUSSION:** None.

MOTION: Approve the first one-year extension of Tentative Parcel Map 31-51 based on an environmental study previously approved in accordance with CEQA Guidelines Section 15183 and applying previous Conditions of Approval and Mitigation Monitoring Program. (Miller/Shiple. Ayes: 4. Absent: Bush.)

D. EXTENSION OF PARCEL MAP 37-170/Hebert. The proposed project would divide APN 60-150-06, totaling 1 acre, into three residential lots of 10,000, 13,558, and 20,154 square feet. The project, located on the west side of Crowley Lake Drive in Hilton Creek, has an existing duplex apartment on the northern portion of the property that is accessed from Crowley Lake Drive. A portion of the property has been delineated as jurisdictional wetlands. The General Plan designation is Mixed Use (MU). *Staff: Keith Hartstrom*

Keith Hartstrom outlined the project. Parcel maps can get three extensions.

OPEN PUBLIC HEARING.

Andy Holmes, Triad/Holmes Associates, said project is near to completion and street plans have been submitted. A little more time is needed. **CLOSE PUBLIC HEARING. DISCUSSION:** None.

MOTION: Approve the first one-year extension of Tentative Parcel Map 37-170 based on an environmental study previously approved in accordance with CEQA Guidelines Section 15183 and subject to previous Conditions of Approval and Mitigation Monitoring Program. (Shiple/Black. Ayes: 4. Absent: Bush.)

E. EXTENSION OF PARCEL MAP 37-177/Alpine Pacific. The proposed project would divide APN 24-280-01, totaling 80.4 acres, into four parcels of 14.1, 14.2, 21.9 and 21.9 acres and a remainder of 8.3 acres. The property is located near the northwest corner of the intersection of U.S. 6/ Hwy. 120 and the community of Benton. The General Plan designation is Rural Residential with a 4-acre minimum lot size (RR 4). *Staff: Keith Hartstrom*

Keith Hartstrom explained that the project engineer had requested the extension to complete processing of various project conditions.

OPEN PUBLIC HEARING. No comments. **CLOSE PUBLIC HEARING. DISCUSSION:** None

MOTION: Approve the first one-year extension of Tentative Parcel Map 37-177 based on an environmental study previously approved in accordance with CEQA Guidelines Section 15183 and subject to previous Conditions of Approval and Mitigation Monitoring Program. (Shiple/Black. Ayes: 4. Absent: Bush.)

F. CONDITIONAL USE PERMIT 31-06-03/Farrow. The proposal is to construct a 10' x 12' storage shed for private use. The 5.28-acre lot (APN 02-430-51) is located on Camp Antelope Road in Walker. The use would provide indoor storage for personal materials. The General Plan designation is Rural Residential with a 5-acre minimum lot size (RR 5). Pending violations exist on this property. *Staff: Gwen Plummer*

Gwen Plummer outlined the non-permitted activities: an oversized shed; camping on property; and grading more than 10,000 sq. ft. The applicant is not ready to build a house, so has applied for a

grading permit and will downsize the shed. Farrow met with LDTAC and apologized for non-permitted activities, saying she was unaware of requirements.

OPEN PUBLIC HEARING. No comments. **CLOSE PUBLIC HEARING.**

MOTION: Approve Use Permit 31-06-03, which qualifies as Class 3 (e) 15303 and Class 4 (a) 15303 Categorical Exemptions; make the required findings in the project staff report; and apply Conditions of Approval. (Miller/Shiple. Ayes: 4. Absent: Bush.)

DISCUSSION: Is there a penalty fee for non-permitted activities? Burns suggested applying penalty fees (double), and commissioners supported double fees. Community Development, Public Works and Environmental Health will collaborate to prevent such activities in the future and report back to commission. Commissioner Kattelmann asked if it were legally possible to put a ¼-page notice in tax bills: "Before you do anything on your property, get permits." Commissioner Black asked if Basalt Canyon project was to report back. Burns will follow up on wrapping the shiny pipeline.

6. WORKSHOP: GENERAL PLAN LAND USE ELEMENT AMENDMENTS. *Staff: Greg Newbry*

Greg Newbry reviewed the proposals by PowerPoint. He will work with county counsel on actual wording, return to commission in the fall. A consistent complaint is that lighting is not retroactive. Invite someone from Town with experience in retroactive lighting regulations.

7. REPORTS:

A. DIRECTOR: 1) June Lake Coalition: Site visits on buildout scenarios will be in a report to Supervisors in fall as part of general development suggestions, Area Plan adjustments. 2) Tri-Valley corridor plan: Meet with Caltrans next week. 3) Benton: Community plan, including long-range plans for county facilities and property. 4) Silver Peak Ranch: Scoping for Montefusco's 30-lot Benton proposal is coming soon. 5) Watterson Meadow: Resource studies done, asked developer to hold back on grading, code compliance involved, not receptive to clustering. Road disturbance even on 40-acre parcel. 6) Walker Canyon: A 160-acre Parcel Map/Adams proposes 40-acre parcels into 2-3 acre lots, some OS, fishing easements, possible clustering. Visual aspects are primary concern. 7) C&L variance: Approved 3-1 vote Aug. 8. Hay bales delivered and unloaded had not been stacked in place. The developer mitigated to the extent he thought necessary, but the community's perception was that a problem existed. 8) Wind Clipper project in Benton: Dormant a while, lots of opposition. No proponent response to BLM letter on archaeological studies or suspension notices. A 30-day project rejection notice has been sent.

B. COUNTY COUNSEL: Mark Magit reported on the Housing Authority's consideration of USFS land exchanges at Pine Glade, Tom's Place and Whiskey Creek. Look into legal consequences of Prop. 90.

8. INFORMATION: No items.

8. ADJOURN: 1:31 p.m.

Respectfully submitted,
C.D. Ritter, commission secretary